### **Table of Contents**

# CHAPTER 1. PHILOSOPHY OF THE JUVENILE COURT

- § 1:1 Origin in the United States
- § 1:2 Philosophical underpinnings
- § 1:3 The philosophy today

### CHAPTER 2. JURISDICTION

- § 2:1 Age jurisdiction: Maximum age
- § 2:2 Age jurisdiction: Minimum age
- § 2:3 Determination of age jurisdiction
- § 2:4 Jurisdiction over conduct: Neglect, deprivation
- § 2:5 Jurisdiction over conduct: Children in need of supervision
- § 2:6 Jurisdiction over conduct: Delinquency
- § 2:7 Jurisdiction over conduct: The vagueness problem
- § 2:8 Exclusion of certain conduct from jurisdiction
- § 2:9 Other limitations on jurisdiction: Prosecutorial discretion
- § 2:10 Other limitations on jurisdiction: Discretionary transfer from criminal court
- § 2:11 Other limitations on jurisdiction: Differential age jurisdiction
- § 2:12 Concurrent jurisdiction: Legislation
- § 2:13 Concurrent jurisdiction: Judicial construction
- § 2:14 Concurrent jurisdiction: An assessment

### CHAPTER 3. THE PRE-JUDICIAL PROCESS: POLICE INVESTIGATION

#### I. TAKING INTO CUSTODY

- § 3:1 Applicability of the law of arrest
- § 3:2 Broadness of jurisdiction to take into custody
- § 3:3 Taking into custody without warrant
- § 3:4 The decision to take into custody: The criteria
- § 3:5 The decision to take into custody: The respective views

### II. SEARCH AND SEIZURE

- § 3:6 Applicability of the Fourth Amendment
- § 3:7 School searches
- § 3:8 —Private citizen/state agent distinction
- § 3:9 —In loco parentis doctrine
- § 3:10 —Proprietary interest theory
- § 3:11 —Reasonableness of search
- § 3:12 Consent and waiver

#### III. POST-CUSTODY RELEASE

- § 3:13 Notice and release
- § 3:14 Release on bail

#### IV. POLICE INTERROGATION

- § 3:15 General background—The voluntariness test
- § 3:16 —The Fifth and Sixth Amendment tests
- $\S~3:17$  —Post-Miranda standards for judging pre-Miranda confessions
- § 3:18 Application of *Miranda* to juvenile proceedings
- § 3:19 Waiver of *Miranda* rights by a minor

#### V. LINEUPS

- § 3:20 General background
- § 3:21 Applicability of *Wade*, *Gilbert*, and *Stovall* to juvenile proceedings

### CHAPTER 4. WAIVER OF JURISDICTION

- § 4:1 General
- § 4:2 Waiver hearing and requirements of due process
- § 4:3 Waiver criteria
- § 4:4 Vagueness in waiver standards

# CHAPTER 5. THE ADJUDICATORY PROCESS

- § 5:1 The adjudicatory hearing
- § 5:2 Right to counsel
- § 5:3 Right to jury
- § 5:4 Burden of proof
- § 5:5 Rules of evidence

#### Table of Contents

- § 5:6 Confrontation and cross-examination § 5:7 Corroboration of confessions
- § 5:8 Mental capacity
- § 5:9 Double jeopardy
- § 5:10 Discovery

# CHAPTER 6. THE ADJUDICATORY PROCESS: CHILD ABUSE CASES

- § 6:1 General
- § 6:2 Family autonomy or state intervention
- § 6:3 Definition of child maltreatment
- § 6:4 —Neglect and dependency
- § 6:5 —Abuse
- § 6:6 Determination of the incidence of abuse
- § 6:7 Evidentiary problems in child abuse cases
- § 6:8 Competency and credibility of child witnesses
- § 6:9 Evidence of child's extrajudicial statements
- § 6:10 Waiver of privileges—Spousal privilege
- § 6:11 —Physician/patient privilege
- § 6:12 Use of character evidence

# CHAPTER 7. THE DISPOSITIONAL PROCESS

- § 7:1 The disposition hearing
- § 7:2 Procedures in the disposition hearing
- § 7:3 Available dispositions: Delinquent children
- § 7:4 Available dispositions: Children in need of supervision
- § 7:5 Available dispositions: Abandoned and neglected children
- § 7:6 Duration of commitment
- § 7:7 Post-disposition: Right to treatment
- § 7:8 Post-disposition: Transfer to penal institution
- § 7:9 Post-disposition: Probation and parole revocation
- § 7:10 Appeal
- § 7:11 Death penalty for juveniles
- § 7:12 Life without parole for juveniles

# CHAPTER 8. FUTURE DIRECTION OF THE JUVENILE COURT

§ 8:1 Generally

### **APPENDICES**

Appendix A. Uniform Juvenile Court Act

Appendix B. Chart of Selected State Statutes

Appendix C. Bibliography

**Table of Laws and Rules** 

**Table of Cases** 

Index